

Remarks/Arguments

The foregoing amendments to the claims are of formal nature, and do not add new matter. Prior to the present amendment, claims 39-44 were pending in this application and were rejected on various grounds. Claim 44 has been canceled without prejudice and claim 39 has been amended. The rejection to the presently pending claims are respectfully traversed.

Priority

Applicants rely on the proinflammatory cell infiltration assay (Example 77) to establish patentable utility for the polypeptide PRO331. These results were first disclosed in international application PCT/US98/19437, filed 17 September, 1998 to which priority is claimed in this application. Support is present in the present application in Example 77, page 210, lines 22 onwards. Accordingly, the present application is entitled to the effective filing date of 17 September, 1998.

35 USC § 112, Second Paragraph

Claims 39-44 were rejected as "indefinite, allegedly for reciting the terms 'binds' and 'specifically binds,' which is ambiguous.

Applicants submit that the art-recognized meaning of "specific" binding is that the antibody that specifically binds to a particular antigen does not significantly cross-react with another antigen. However, solely to simplify issues, and to facilitate the prosecution of the present application, claim 44 has been canceled, and claim 39 has been amended to recite specific binding. Accordingly, the present rejection is believed to be moot, and should be withdrawn.

Claim Rejections – 35 USC § 112/Enablement

Claim 42 was rejected under 35 U.S.C. §112, first paragraph, "because the specification, while being enabling for the claimed antibody wherein the recited fragment binds PRO331 (SEQ ID NO: 292), does not reasonably provide enablement for the claimed antibody wherein the

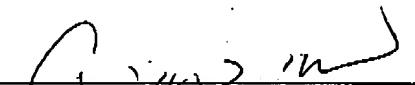
recited fragment is not required to bind PRO331." The Examiner further notes that if the claim were amended to recite "A fragment of the antibody of claim 39, wherein said fragment binds to the polypeptide shown in Fig. 104 (SEQ ID NO:292), it would not be rejected."

Applicants respectfully thank the Examiner for drawing the Applicants' attention to this claim and have amended claim 42 accordingly to overcome this rejection. Hence, this rejection should be withdrawn.

The present application is believed to be in *prima facie* condition for allowance, and an early action to that effect is respectfully solicited.

Please charge any additional fees, including any fees for additional extension of time, or credit overpayment to Deposit Account No. 08-1641 (Attorney Docket No.: 39780-1618P2C45). Please direct any calls in connection with this application to the undersigned at the number provided below.

Respectfully submitted,


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